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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff

v.

BARRY RAY KNIGHT,

Defendant

2:21-CR-00127-CDS-BNW

Preliminary Order of Forfeiture

13 This Court finds Barry Ray Knight was found guilty of Counts One and Two of a
14 Two-Count Superseding Criminal Indictment charging him in Count One with receipt of
15 child pornography in violation of 18 U.S.C. § 2252A(a)(2) and in Count Two with
16 possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Superseding
17 Criminal Indictment, ECF No. 50; Minutes of Bench Trial, ECF No. 79.

18 This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of
19 America has shown the requisite nexus between property set forth in the Forfeiture
20 Allegation of the Superseding Criminal Indictment and the offenses to which Barry Ray
21 Knight was found guilty. Superseding Criminal Indictment, ECF No. 50; Minutes of Bench
22 Trial, ECF No. 79.

23 The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or
24 any book, magazine, periodical, film, videotape, or other matter which contains any such
25 visual depiction, which was produced, transported, mailed, shipped or received in violation
26 of 18 U.S.C. § 2252A(a)(2) and 2252A(a)(5)(B) and (2) any property, real or personal, used
27 or intended to be used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(2)

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1 and 2252A(a)(5)(B) or any property traceable to such property and is subject to forfeiture
2 under 18 U.S.C. § 2253(a)(1) and 2253(a)(3):

- 3 1. one Samsung/Seagate 1 TB SATA hard drive, model number:
4 ST1000LM024, serial number: S2V4J9DCA22532;
- 5 2. one SanDisk 64 GB thumb drive with unknown serial number;
- 6 3. one SanDisk 32 GB thumb drive, serial number BM1111WZ08;
- 7 4. one SanDisk 32 GB thumb drive, serial number BM11020GNB;
- 8 5. one Apple IMAC Computer, model number: A1224, serial number:
9 QP83510X2PN; and
- 10 6. one Apple IMAC Computer, model number: A1418, serial number:
11 D25JT15SDNML

12 (all of which constitutes property).

13 This Court finds that on the government's motion, the Court may at any time enter
14 an order of forfeiture or amend an existing order of forfeiture to include subsequently
15 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

16 This Court finds the United States of America is now entitled to, and should, reduce
17 the aforementioned property to the possession of the United States of America.

18 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
19 DECREED that the United States of America should seize the aforementioned property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
21 rights, ownership rights, and all rights, titles, and interests of Barry Ray Knight in the
22 aforementioned property are forfeited and are vested in the United States of America and
23 shall be safely held by the United States of America until further order of the Court.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
25 of America shall publish for at least thirty (30) consecutive days on the official internet
26 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
27 describe the forfeited property, state the times under the applicable statute when a petition

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1 contesting the forfeiture must be filed, and state the name and contact information for the
 2 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
 4 or entity who claims an interest in the forfeited property must file a petition for a hearing to
 5 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C. §
 6 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under 21
 7 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
 8 petitioner's right, title, or interest in the property, the time and circumstances of the
 9 petitioner's acquisition of the right, title, or interest in the property, any additional facts
 10 supporting the petitioner's claim, and the relief sought.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
 12 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
 13 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
 14 not sent, no later than sixty (60) days after the first day of the publication on the official
 15 internet government forfeiture site, www.forfeiture.gov, whichever is earlier.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
 17 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
 18 Attorney's Office at the following address at the time of filing:

19 Daniel D. Hollingsworth
 20 Assistant United States Attorney
 21 Misty L. Dante
 22 Assistant United States Attorney
 501 Las Vegas Boulevard South, Suite 1100
 Las Vegas, Nevada 89101.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
 24 described herein need not be published in the event a Declaration of Forfeiture is issued by
 25 the appropriate agency following publication of notice of seizure and intent to
 26 administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED: February 8, 2023

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7 CRISTINA D. SILVA
8 UNITED STATES DISTRICT JUDGE
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